

A N A C T

INCORPORATING THE CONGREGATION

OF

UNITED BRETHREN

OF THE

BOROUGH OF BETHLEHEM

AND ITS VICINITY.

BETHLEHEM :
PRINTED BY JULIUS W. HELD.
1851.

AN ACT

FOR THE CONSTRUCTION

UNITED STATES

OF THE

BOARDS OF REVIEW

AND ITS VICINITY

PRINTED BY THE
UNITED STATES
1861

AN ACT

Incorporating the congregation of United Brethren of the borough of Bethlehem and its vicinity.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the members of the congregation of United Brethren, commonly called Moravians, of the borough of Bethlehem and its vicinity, be, and the same are hereby created and erected into one body politic and corporate in deed and in law, by the name, style and title of "The Congregation of United Brethren of the borough of Bethlehem and its vicinity."

SECT. 2. That the said corporation by the same name, style and title shall have perpetual succession, and be able to sue and to be sued, to plead and be impleaded in all courts of law and elsewhere, and shall be able and capable in law and equity to take, purchase, hold and receive to them and their successors in trust for and also to the use of the said congregation any lands, tenements, goods and chattels of whatsoever kind, nature or quality, real, personal or mixed, which are now, or shall, or may at any time hereafter become the property of the said congregation or body politic by purchase, gift, grant, bargain, sale, conveyance, devise, bequest or otherwise from any person or persons whomsoever, capable of making the same, and the same to grant, bargain, sell, improve or dispose of for the use and benefit of the said congregation; *Provided*, That the clear yearly value or income of the estate real, personal and mixed, of the said congregation, exclusive of the monies arising from annual stated contributions of the

said congregation, and from opening any ground there-to belonging for burials, shall not at any time exceed the sum of ten thousand dollars; nor shall it be lawful for said corporation, to hold and enjoy at any one time more than four hundred and fifty acres of land, except such lands as shall be purchased at sales upon judgment of any person or body politic, where the same may be necessary to secure any debt due to the said congregation, nor to appropriate any of the surplus funds of said corporation to any other than charitable, or religious, or such other purposes, as shall expressly be specified in this act.

SECT. 3. No misnomer of said corporation or their successors shall defeat or annul any gift, grant, devise or bequest to or from the said corporation; *Provided*, The intent of the party or parties shall sufficiently appear upon the face of the gift, grant, will or other writing, whereby any estate or interest was intended to pass to or from the said corporation.

SECT. 4. The secular business of the said corporation shall be conducted by six trustees, of whom four shall be a quorum, and who shall choose from among their number, a president, and may appoint a secretary and a treasurer to serve for the ensuing year either from among themselves, or from among the members of the said congregation qualified to be elected as trustees, according to the fifth section of this act. The secretary shall keep true and correct minutes of the acts and proceedings of the board of trustees; and the treasurer shall receive, disburse and account for all monies coming into his hands, belonging to the said corporation, and shall, if required by the said trustees, give security for the faithful performance of the trust reposed in him, and shall have his accounts annually settled by the trustees, to be laid before the congregation at a meeting convened for that purpose, at least one week before the general annual election.

The said trustees may likewise appoint such other officers, as they may from time to time deem necessary, for the proper management of the secular affairs of the congregation, and they may allow such compensation to all officers appointed by them for services rendered, as they may deem just and reasonable; and the said trustees may also at any time remove any of the officers appointed by them, and appoint others to supply their place, when in their opinion the interests of the congregation require it. The said trustees shall also fix upon the amount of contribution, to be paid regularly, yearly or half-yearly, by every member of the congregation of twenty-one years of age and upwards, at the rate of not less than fifty cents, and not more than one dollar annually from any one member, and collect the same; and shall have power to exonerate members on account of their disability to pay, if they deem it just and expedient, and they shall annually inquire, ascertain and report to the board of elders, whether any member or members have failed or refused to pay their contribution within the current year, on which report the board of elders shall take such action, and make such order, as shall by them be deemed expedient and right.

SECT. 5. The first election of trustees, under this act, shall be held within six weeks after the same shall have become a law, and shall be conducted by three members of the congregation, to be chosen by a majority of all the male communicant members above twenty-one years of age, convened for the purpose; at which election, the day and hours of which are to be fixed upon by the persons, who shall be elected, as aforesaid, for conducting the same,—six persons qualified according to this section shall be chosen to serve as trustees, until their successors respectively are elected; and the trustees so elected shall meet on the first Tuesday after their election,

and shall at their first meeting divide themselves by lot into three classes ; the time of service of the first class shall expire on the third Thursday in the month of December, one thousand eight hundred and fifty-one ; the time of service of the second class shall expire on the third Thursday in December, one thousand eight hundred and fifty-two ; and the time of service of the third class shall expire on the third Thursday in December, one thousand eight hundred and fifty-three ; so that one-third may be chosen every year after the first election ; and at each succeeding election,—which elections are to be held on the said third Thursday in the month of December in every succeeding year, or at such other time as may be prescribed by the by-laws,—two persons qualified according to this section shall be elected to serve as trustees for three years ; and at any election, to be held in pursuance of this act, the persons having the greatest number of votes, if duly qualified otherwise, shall be declared duly elected to their respective offices, for which said persons were named on the ballots of the electors ; and in case two or more candidates shall have the same number of votes, the preference shall be determined by lot, drawn by the persons appointed to conduct the election ; and all such elections shall be conducted by three persons being full communicant members of this congregation, who shall annually be appointed by the aforesaid trustees or a majority of them ; and of all which elections at least one week's notice shall be given by announcement from the desk or pulpit, or in some other public manner : *Provided*, That no person shall be eligible as a trustee, who is not at the time of his election a citizen of this Commonwealth, and shall not have attained the age of twenty-five years, and who shall not have been at least one year preceding his election a communicant member of this congregation, and shall not have paid his annual stated contribution, if any was collected towards

the discharge of the expenses of the congregation within one year next preceding his election, according to his ability; nor shall any person hold and exercise the office of a trustee after he shall have ceased to be a member of the said congregation; and in case of vacancy by death, resignation, disability, refusal or neglect to serve or otherwise, the vacancy or vacancies shall be supplied by the remaining trustees until the next annual election.

SECT. 6. If the congregation neglect, on the day of the annual election, to hold their election as is herein directed, the said corporation shall not be dissolved, but a majority of trustees remaining in office may appoint any subsequent time, not exceeding four weeks, at which the election may be held; of which time and place at least one week's notice to the congregation shall be given by announcement from the pulpit or desk, or in any other public manner as a majority of the remaining trustees may direct: *Provided*, That in case the trustees shall neglect or refuse to appoint the persons, who are to conduct the election according to the fifth section of this act, then ten members qualified to vote according to the seventh section of this act, may call a meeting of the qualified voters for the purpose of electing the said three persons, to conduct the election according to the fifth section of this act, by giving at least one week's public notice of the time, place and object of such meeting.

SECT. 7. Any male communicant member of said congregation, who shall have attained the age of twenty-one years, and shall have paid, within one year, his stated contribution toward the discharge of the yearly expenses of the congregation, if any was collected, unless he became twenty-one years of age after any contribution was due, and also all ordained ministers being full members of this congregation, and no other, shall be entitled to vote at the elections of said congregation, or at any meeting of the said congregation; and all

elections shall be by ballot, all notices of elections and meetings of the congregation shall be published from the pulpit or desk, on an occasion of public worship, or in such other way as the board of trustees shall direct; and in all cases, a majority of the duly qualified voters shall govern at meetings of the congregation; and all meetings of the congregation shall in the first place be called and ordered by the board of trustees or board of elders, as the case may be; but if they refuse to call such meeting, at any time, upon the written request of any ten or more voting members of the church, any twenty or more members may appoint a meeting upon their own motion, by giving public notice thereof, for at least ten days previous to the holding of such meeting.

SECT. 8. The board of elders shall be composed of the minister or ministers, or assistant minister or ministers for the time being, and two elders, three of whom shall be a quorum, of which board the senior minister or pastor shall be president, and the said members of the board of elders shall choose from among their number a secretary, as also, in case of absence of the president, a president pro tem. The first election for elders under this act shall be held at the same time and place, and conducted in the same manner, and by the same persons as the first election for trustees; at which election two persons duly qualified shall be chosen to serve as elders, until their successors respectively are elected; and the said board of elders shall meet on the first Wednesday after the election, and the said two so elected members of the board shall decide between themselves by lot, which of the two is to serve as an elder until the third Thursday in the month of December, one thousand eight hundred and fifty one, and which is to serve until the third Thursday in December, one thousand eight hundred and fifty-two, so that one person may be cho-

sen for elder every year after the first election; and at each succeeding election, which elections are to be held at the same time and place and in the same manner, and to be conducted by the same persons as provided for and directed in section fifth of this act for the election of trustees, one person duly qualified shall be elected to serve as elder for two years: *Provided*, That nothing herein contained shall be so construed, as to prevent any duly qualified person from serving at the same time as a member of the board of trustees and as an elder; *And provided further*: That in case of vacancy by deaths or otherwise among the said elders as elected, the remaining members of the board of elders may supply the vacancy until the next annual election from the members of the congregation duly qualified; *And provided further*: That no one shall be elected an elder, who is not twenty-five years or more of age, and a full communicant member of this congregation, or of the church of the United Brethren, according to the rules and principles of the same, of at least two years' standing, and himself qualified to vote according to the seventh section of this act.

SECT. 9. No person or persons shall be minister or ministers, or assistant minister or assistant ministers of this congregation, or shall be allowed to act as such, who shall not have been from time to time duly appointed by the proper authorities, according to the recognised rules and principles of the Northern Section of the Church of the United Brethren in the United States of America; nor shall any minister or assistant minister continue to officiate any longer in this congregation, unless with the consent of the said authorities, after his appointment shall have been revoked by the said duly constituted authorities of the said Church of the United Brethren; but whenever, in case of a vacancy, by death or

otherwise, in the pastoral offices of the congregation, a person duly qualified has been appointed by the proper authorities of the Church of the United Brethren as above directed, and after the president for the time being of the board of trustees shall have been notified of the same, he shall within one week convene the members of the board of trustees and of the board of elders, at which meeting he shall preside, and the name of the so appointed person shall be laid by him before the said meeting, and it shall be decided by a majority of all the members present at the said meeting, whether the person, whose name has so been laid before them, shall be accepted or not; but the said meeting shall have no right, to propose to the proper authority of the church any other persons as candidates for the pastoral office; and the said trustees and their successors shall at all times and forever hereafter make suitable provisions for a decent and adequate salary of the ministers or assistant ministers, duly appointed as hereinbefore directed, and shall in no case prevent the said minister or assistant ministers, in any meeting houses or houses of worship belonging to the said congregation, from expounding and explaining God's holy word, nor from executing the discipline of the Church of the United Brethren, and administering the sacraments therein, according to the doctrine and discipline of the said Church of the United Brethren in the United States of America.

SECT. 10. The said board of elders shall have full power and authority, at all times, to ordain and establish such by-laws, ordinances, rules and regulations, as shall be necessary and proper for their own government; and said board shall be the executive body, to carry out the principles and rules now in force, or which may from time to time be enacted by the proper authorities of the Church of the United Brethren

in the United States of America, for regulating the discipline of the members of the congregation, and for promoting religion in the same, and they, as well as the trustees, may convene and call together for their aid, the members of the said congregation entitled to vote at elections, upon any occasion for any purpose belonging to said congregation; *Provided*: That all the acts of the said board of elders shall be conformable to, and in no wise inconsistent with the principles and constitutions of the Church of the United Brethren in the United States of America; *And provided further*: That nothing in this act shall be so construed, as to prevent the said board of elders from expelling any member, according to the rules and regulations of the Church of the United Brethren in the United States of America, and by such expulsion depriving him or her of all the rights and privileges hereby granted, subject nevertheless to an appeal to the board of brethren, who, according to the rules and constitution of the Northern Section of the Church of the United Brethren in the United States of America, are or may be appointed to superintend the general concerns of the said section of the church.

SECT. 11. The said trustees and their successors shall have the control over, and management of all the secular and pecuniary affairs of said congregation, the care of the house or houses of worship, parsonage or parsonages, school-house or school-houses, and all other church-property now or hereafter belonging to the said congregation, and all other temporal concerns and business of the congregation; and they and their successors shall have full power, to enact and enforce such by-laws and ordinances, as they shall think proper for their own government, and for the regulation and transaction of the secular business of the congregation; and also to make, have and use a common seal, and the same to break, alter and renew at

pleasure ; and shall have power also, to change the time and place of holding the general elections of the said congregation, if the same should be deemed advisable ; and all bonds, notes, judgments and mortgages to be given, made and executed, and all deeds for any real estate sold at any time, shall be made, signed, sealed, executed and delivered by the trustees or a majority of them for the time being ; *Provided* : That the said trustees and their successors shall have full power, to sell and make title to such lots of ground, as are or may be appropriated for the purpose of burial by said congregation, and likewise such lots or pieces of land, as may be intended to be used for town-lots, or whenever in any case for any piece of land, belonging to the said congregation, such a price should be agreed upon with the purchaser, as would not be less by the acre as the average price of unimproved town-lots sold within the limits of the borough of Bethlehem within the previous year ; but the said trustees and their successors shall not dispose of, alien, sell or in any way encumber the other real estate belonging to the said congregation, except in such cases as hereinbefore specified, nor contract any debt or debts, exceeding in the aggregate the sum of one thousand dollars, without the assent and concurrence of a majority of the male members of the congregation, qualified to vote, present at a meeting to be held for that purpose ; *And provided further* : That the said rules, by-laws and ordinances, and all the acts of the said trustees, framed and enacted and promulgated, shall not be contrary to this charter, nor to the Constitution and laws of this Commonwealth, or of the United States, and shall be in conformity to the rules and principles of the Church of the United Brethren in the United States of America, and not in any wise inconsistent with the same.

SECTION 12. The rents, profits and interests of the real,

personal and mixed estate of the said congregation and corporation shall by the said trustees and their successors, from time to time, be applied and laid out for the maintenance and support of the Gospel ministry in said congregation, for maintaining and repairing their church or churches, in case any more should be added to that already built place of public worship, burial grounds, parsonage houses, school houses, or other houses and buildings, which now do, or hereafter shall belong to the said congregation and corporation, and for home or foreign missionary, or such other pious and charitable uses, as shall be thought proper by the said trustees and their successors, or a quorum of them, or as may be specified in this act.

SECTION 13. It shall be the duty of the said trustees and their successors, and they shall have the authority and power, to appropriate annually out of the income of the real, personal and mixed estate of the said congregation, for the use of the schools of the said congregation, any sum as shall be necessary for defraying the annual expense of the same, not exceeding one-third part of the clear income of the last preceding year: *Providing*, That the expenses for erecting and building the necessary school houses, and for acquiring the lots of ground required thereto, be otherwise provided for by the said trustees, out of the funds of the said congregation: *And providing further*, That all children of five years of age and upwards be admitted to the said school, whose parents, or one of them, are members of the congregation, and who shall be willing to submit to the rules and regulations of the said school; to which school the children of others besides members may be admitted, on such terms and under such rules and regulations, as the school-board may find expedient.

SECTION 14. The said yearly appropriation for the use and

benefit of the congregation-school shall be paid over in quarterly equal payments, (the first payment to be made on the first day of July, Anno Domini one thousand, eight hundred and fifty-two) by the said trustees to the treasurer of the school-board. The school-board shall be composed of all the members of the board of elders, and of three members of the congregation, qualified to be eligible as elders, who shall at the annual election be elected to serve for one year, or until others be elected in their place, at the same time and place, and in the same manner as the elders are to be elected, according to the provisions of this act. The said school-board, at whose meetings the president of the board of elders shall preside, shall have the control over and management of the said congregation-school, and a majority of the members of the said school-board shall upon all occasions, and for the transaction of all business, constitute a quorum, and they shall appoint from among themselves a secretary and a treasurer.

SECTION 15. The said trustees shall have power, to purchase, have, hold and enjoy to them and their successors such tract or parcel of land, and other property conveniently situated, near or within the limits of the Borough of Bethlehem, as may be suitable for a new cemetery or burial place, exclusive of the one now in use; and they shall have power, to lay out and ornament or embellish the ground, purchased or procured by them for a cemetery, to enclose the same, and to erect such buildings thereon, as may be necessary for the enjoyment and management thereof, to lay out, sell and dispose of burial lots to members of the congregation and others, reserving a due proportion of the grounds for the interment, without charge, of deceased members of the congregation, in conformity with the usages of the United Brethren; and they shall or may appoint the necessary officers and superintend-

ents, fix their several duties and compensations, and make such by-laws, rules, regulations and ordinances, as they may deem proper for the government of lot-holders, and visitors to the cemetery, and for the transfer of lots and the evidence thereof.

SECTION 16. Every lot, conveyed in the said cemetery, shall be transferable with the consent of the trustees, and shall not be subject to attachment or execution.

SECTION 17. No enumeration of powers, privileges and duties, herein contained, shall be so construed, as to exclude others not enumerated, which are necessary to the proper fulfilment of the design and purpose of this act, and not inconsistent with its express provisions and limitations.

SECTION 18. The legislature reserves the right, to alter, revoke or annul the privileges and charter hereby granted, whenever in their opinion the same be injurious to the citizens of the Commonwealth, in such manner however, that no injustice shall be done to the corporators.

JOHN CESSNA, Speaker of the House of Representatives.

BENJAMIN MATTHIAS, Speaker of the Senate.

Approved the Third day of April, A. D. Eighteen hundred and fifty one.

WM. F. JOHNSTON.

Secretary's Office.

Pennsylvania SS.



I do hereby certify, that the foregoing and annexed is a true and correct copy of the original Act of the General Assembly, entitled: "An Act incorporating the congregation of United Brethren of the borough of Bethlehem and its vicinity," as the same remains on file in this Office.

Witness my hand and the Seal of the Secretary's Office at Harrisburg, this Third day of April, A. D. one thousand eight hundred and fifty one.

A. W. BENEDICT.
Dep'y Secretary of the Commonwealth.